

Appl. No. 10/719,148  
Amdt. Dated April 18, 2006  
Reply to Office action of March 13, 2006

### REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 1 is currently amended.

Claims 21-26 have been added.

As an initial matter, applicant would like to thank the Examiner for indicating that claims 11, 14, and 15 are in condition for allowance. Additionally, because original claim 16 is dependent upon allowed claim 15, it is respectfully submitted that original claim 16 is also in condition for allowance.

Claim 1 was objected to under 35 U.S.C. 112, sixth paragraph. The Examiner stated that the word "means" was impermissibly preceded by the word "for." Applicant respectfully submits that this objection is not understood. Claim 1 states, in pertinent part, "means for vibrating the crankcase to mist oil from the oil reservoir to lubricate non-crankcase engine components, wherein the means for vibrating the crankcase includes a vibration mechanism." Nowhere in the language of claim 1 does the word "for" immediately precede the word "means." As such, the Examiner is invited to provide further explanation of the objection.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Haberlein et al. (U.S. Patent No. 6,109,251). Traversal of this rejection is made for at least the following reasons. Amended claim 1 states, in pertinent part, "means for vibrating the crankcase to mist oil from the oil reservoir to lubricate *non-crankcase* engine components." Haberlein does not disclose such structure.

In distinction, Haberlein provides a negative teaching against the use of an oil mist to lubricate non-crankcase engine components. For example, Haberlein states "[a]n oil mist develops in the crankcase so that corresponding measures must be taken to ensure that the oil does not escape uncontrollably but is held back in the crankcase." (See column 1, lines 22-25). Additionally, Haberlein states "[t]he filter 37 increases the separating action of the venting system and holds the oil mist back in the crankcase." (See column 4, lines 60-63). Further still, Haberlein states "[a]n exiting of oil from the crankcase is substantially precluded with this configuration at full pressure compensation of the crankcase interior space." (See column 5, lines 6-

Appl. No. 10/719,148  
Amtdt. Dated April 18, 2006  
Reply to Office action of March 13, 2006

8). Thus, at most, Haberlein discloses the use of an oil mist from an oil reservoir to lubricate only those engine components located within a crankcase. In addition, it is noted that the Examiner has already conceded in an earlier action that "Haberlein et al does not disclose the means for vibrating the crankshaft includes a vibration mechanism coupled to a portion of the crankcase" (See page 3 of the Office action dated May 2, 2005). Accordingly, it is respectfully submitted that amended claim 1 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 2-3, 5-10, and 20 were objected to by the examiner as being dependent upon a rejected base claim, but would be allowable if rewritten. Claims 2-3, 5-10, and 20 are dependent upon amended claim 1. Because it is believed that amended claim 1 is now in condition for allowance, withdrawal of this objection and allowance of claims 2-3, 5-10, and 20 is respectfully requested.

In addition, new claims 21-26 are also dependent upon amended claim 1. Because it is believed that amended claim 1 is now in condition for allowance, it is respectfully submitted that claims 21-26 are also in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 35703.

Respectfully submitted,  
Pearne & Gordon LLP



Ronald M. Kachmarik, Reg. No. 34512

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
216-579-1700

April 18, 2006